

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ALEXANDER N. ASANOV and	:	CIVIL NO. 1:05-CV-0470
BIOELECTROSPEC, INCORPORATED,	:	
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
M. HAYES HUNT and	:	
MARINA Y. HUNT,	:	
	:	
Defendants	:	

REPORT AND RECOMMENDATION

By order of October 27, 2005, plaintiff BioelectroSpec was ordered to show cause why it should not be dismissed from this action. In response to that Order, Doc. 53 ("Second Motion to Appoint Pro Bono Attorney to Represent Corporate Plaintiff") was filed on November 21, 2005.

It is recommended that it be ordered that the corporate plaintiff, BioelectroSpec, Inc., which is not represented by an attorney, be dismissed as a party in this case. In that this corporation was not ever represented by an attorney in this case, it may not be seen to have initiated or to have pursued this litigation in a manner permitted under and consistent with the Rules of Court. The Rules of Court, LR 83.8, *et seq.*,

provide for admitted attorneys to represent parties, and LR 83.18 permits a party to represent himself or herself. A corporation can not represent itself, but must proceed through representation by an attorney. See, e.g., *Simbraw, Inc. V. U.S.*, 367 F.2d 373 (3d Cir. 1966) (holding that to litigate its rights in a court of law, a corporation must employ an attorney at law to appear for it and represent it in court); *Rowland v. California Men's Colony*, 506 U.S. 194 (1993) (holding that only a natural person may qualify for treatment *in forma pauperis* under § 1915 and stating that "[i]t has been the law for the better part of two centuries ... that a corporation may appear in the federal courts only through licensed counsel.").

Plaintiff Alexander N. Asanov has asked the court to appoint an attorney to represent BioelectroSpec, Inc. The motion was initially denied. Order of October 24, 2005 (Doc. 41). We do not see a reason for that order to be reconsidered, particularly when it is considered that the court's resources in the form of attorneys willing to accept appointments for *pro se* parties are limited and that, since that is so, appointments to represent corporations should seldom be made except to facilitate judicial administrative concerns since corporate interests do not generally meet the

concerns expressed in *Tabron v. Grace*, 6 F.3d 147 (3d Cir. 1993).

It is recommended that BioelectroSpec, Inc. be dismissed from this civil action.

/s/ J. Andrew Smyser

J. Andrew Smyser
Magistrate Judge

Dated: November 23, 2005.